

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 6, 1999  
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock (arrived at 9:20 p.m.), Mann (left at 10:45 p.m.),  
Nakanishi, Pennino and Land (Mayor) (left at 10:45 p.m.)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Senior Civil Engineer Fujitani,  
Community Development Director Bartlam, City Attorney Hays and City Clerk  
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2. INVOCATION

The invocation was given by Pastor Bo Crow, United Congregational Christian Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Girl Scouts Tierra del Oro Council Color Guard Unit.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Land presented the October Community Improvement Award to Jim Miller, Quality Control Manager with RE Services, and Alan Archer, Human Resources Manager with Apache Plastics, for the landscaping improvements that they made along the frontage of their industrial properties.
- b) Mayor Land presented a proclamation to John Bridgford, Grand Knight with the Knights of Columbus, proclaiming October 1, 1999 as "Knights of Columbus Help People With Mental Retardation Days" in the City of Lodi.
- c) Mayor Land presented a proclamation to Dwight Dauber, Parks Superintendent, proclaiming October 15 – 16, 1999 as "Salmon Festival/Silver Arrow Pow Wow Days" in the City of Lodi.
- d) Rex Reynolds with the Lodi Arts Commission updated the City Council on the many activities and accomplishments of the Lodi Arts Commission.
- e) Rob Lechner, Chairman of the Year 2000 Steering Committee, made a presentation to the City Council regarding the Year 2000 Steering Committee Poetry and Essay Contests. Mayor Land presented Certificates of Achievement and gift certificates for Barnes & Noble to the following winners:

**Poetry Contest Winners**

- Marcus Paul Thames, 9<sup>th</sup> Grade, Lodi Academy High
- Amanda Podesta, 7<sup>th</sup> Grade, Lodi 7<sup>th</sup> Day Adventist Elementary School
- Harry Centeno, 12<sup>th</sup> Grade, Plaza Robles High
- Tania Reed, 11<sup>th</sup> Grade, Plaza Robles High

**Essay Contest Winners**

- Garrett Yacopetti, 7<sup>th</sup> Grade, St. Anne's School
- Bobby Caffese, 8<sup>th</sup> Grade, St. Anne's School
- Sarah Steiner, 7<sup>th</sup> Grade, St. Peter's School
- Kristen Witt, 7<sup>th</sup> Grade, St. Peter's School
- Erika Haas, 8<sup>th</sup> Grade, St. Peter's School

- f) Mayor Land presented a Certificate of Recognition to Lisa Rudloff, who was recently selected to officiate softball at the next Olympics in Australia.
  - g) Mayor Land presented the California Integrated Waste Management Board's Certificate of Achievement to Administrative Assistant Sharon Blaufus. The City was awarded this certificate in honor of Lodi's outstanding efforts to help California cut its trash in half by the Year 2000.
  - h) Elvera Melby, Author, presented Mayor Land with the Woodbridge Golf and Country Club's 75<sup>th</sup> Anniversary Commemorative Souvenir Book.
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Land, Mann second, approved the following items hereinafter set forth **except those otherwise noted** by the vote shown below:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – None

Absent: Council Members – Hitchcock

- a) Claims were approved in the amount of \$6,043,814.13.
- b) The minutes of September 14, 1999 (Special Meeting), September 15, 1999 (Regular Meeting), September 21, 1999 (Special Meeting) and September 29, 1999 (Special Meeting) were approved as written.
- c) Adopted Resolution No. 99-149 accepting the development improvements for 1300 East Vine Street, Phases 1 and 2.
- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Well 26 Well Drilling, 2640 Regent Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- e) Approved the plans and specifications for Lower Sacramento Road Woodbridge Irrigation District Box Culvert Improvements, authorized advertising for bids and authorized the City Manager to execute a Hold Harmless Agreement.
- f) Approved specifications for ten portable radios and six mobile radios for the Police Partners Program and authorized advertising for bids.
- g) Approved the specifications for 15,000 feet of #750 600-volt XHHW aluminum conductor and authorized advertising for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- h) Approved the specifications for 15 50-foot Class 3 wood utility poles and authorized advertising for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- i) Adopted Resolution No. 99-150 amending Section 4 of Traffic Resolution 97-148 by approving angle parking on Walnut Street, between Church and Sacramento Streets.
- j) Agenda item #E-10 entitled, "Amend Traffic Resolution to adopt commercial-vehicle parking and height restrictions" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

*Continued October 6, 1999*

- k) Approved the final map for Lodi West, Unit No. 6, Tract No. 2914, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
- l) Approved the final map for Lodi West, Unit No. 8, Tract No. 2929, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
- m) Authorized the City Manager to execute a professional services contract with Frederic R. Harris, Inc. for consulting and engineering services on the Central City Railroad Safety Improvement Project, and Measure K agreements with the San Joaquin County Council of Governments, and appropriated \$50,000 for this phase of the project.
- n) Authorized the City Manager to execute a professional services contract with Gordon H. Chong & Partners for consulting and engineering services on the Multimodal Station Parking Structure Project, and Measure K agreements with the San Joaquin County Council of Governments, and appropriated \$450,000 for this phase of the project.
- o) Adopted Resolution No. 99-152 awarding the contract for Lane Line Painting, Various City Streets, 1999 to Moreno Striping Service, of Goshen, CA, in the amount of \$23,682.24.
- p) Authorized the use of Asset Seizure Funds to purchase accessory items for a 1994 pickup truck, which was donated to the Lodi Police Department Mounted Unit.
- q) Authorized the Treasurer and Deputy Treasurer to enter into agreements with Farmers and Merchants Bank of Central California for the issuance of a City credit card for Library Services Director Nancy C. Martinez.
- r) Adopted Resolution No. 99-153 approving a Public Benefits Program Grant in the amount of \$7,996 for a comprehensive engineered/energy analysis for Interlake Material Handling, Inc., which represents the first phase of this company's energy conservation effort. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- s) Adopted Resolution No. 99-154 approving the salary range for Community Center Director as the control point of \$6,322 with a range of \$5,690 to \$6,955.
- t) Agenda item #E-20 entitled, "Authorize the City Manager to execute the sale agreement to Edward and Anthony Barkett for City-owned property located at 130 West Elm Street, Lodi" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- u) Set Public Hearing for October 20, 1999 to consider Planning Commission's recommendation that the City Council adopt a General Plan Amendment, and Prezone requested by the Episcopal Church of St. John the Baptist for the property located at 15567 Lower Sacramento Road.
- v) Set Public Hearing for October 20, 1999 to consider the Planning Commission's recommendation that the City Council adopt a Prezone requested by Oliver Tecklenberg and William Beckman for the property located at 5215 & 5333 East Kettleman Lane.

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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Well 26 Well Drilling, 2640 Regent Street".

This project consists of drilling one municipal water well to a depth of 410 feet, including development, disinfection, testing, and construction of pump base. This well will be located in Katzakian Park in the Bridgetowne subdivision, north of Turner Road and west of Lower Sacramento Road. The location conforms with the water system master plan and test well results show the water to be of good quality.

Council Member Nakanishi removed this item in order to request information regarding the testing of water sites in the City of Lodi. The matter was responded to by Senior Civil Engineer Fujitani.

Following discussion, the City Council, on motion of Council Member Nakanishi, Pennino second, approved the plans and specifications for Well 26 Well Drilling, 2640 Regent Street, and authorized advertising for bids by the following vote:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – None

Absent: Council Members – Hitchcock

- b) Agenda item #E-10 entitled, "Amend Traffic Resolution to adopt commercial-vehicle parking and height restrictions".

In his Council Communication, the Public Works Director reported that at the September 15, 1999 meeting, Council approved an ordinance limiting commercial-vehicle parking City-wide during certain hours. Based on this action, there are sections of the Traffic Resolution which are now redundant.

The portions of the Traffic Resolution that are no longer applicable are items 9, 10 and 11 of Section 3C, and Section 3D. These items are commercial-vehicle parking restrictions at specific locations which will no longer be legal at any time. In order to minimize confusion at these locations, rather than remove the signs in these areas, we will temporarily replace them with signs indicating that commercial-vehicle parking is no longer permitted.

Section 3D refers to vehicles six feet or more in height within 100 feet of an intersection. These locations will remain in effect but are not required to be listed in the Traffic Resolution. The locations where these restrictions exist are on Century Boulevard at Scarborough Drive, Cherokee Lane at Harold Street, and at Almond Drive.

Council Member Pennino indicated that he removed this item from the Consent Calendar in order to voice his opposition to the matter.

Following discussion, the City Council, on motion of Mayor Pro Tempore Mann, Land second, adopted Resolution No. 99-151 amending Traffic Resolution 97-148 by deleting items 9, 10 and 11 of Section 3C and all of Section 3D by the following vote:

Ayes: Council Members – Mann, Nakanishi and Land (Mayor)

Noes: Council Members – Pennino

Absent: Council Members – Hitchcock

- c) Agenda item #E-20 entitled, "Authorize the City Manager to execute the sale agreement to Edward and Anthony Barkett for City-owned property located at 130 West Elm Street, Lodi".

Council Member Pennino removed this item requesting that a report be made on this matter.

Community Development Director Bartlam reminded the City Council that for approximately three years, staff has been working on a project that would bring a new cinema to downtown Lodi. Following on the heels of the downtown revitalization program, North American Cinemas approached the City with the idea of building a twelve-screen theater somewhere in the downtown. After considerable work looking at alternative sites, the properties located on the north side of Elm Street between School and Church streets were decided upon by the developers for the project, Edward and Anthony Barkett.

On December 16, 1998, the City Council approved an Exclusive Right to Negotiate Agreement with the Barketts for three City-owned sites in the downtown including the Elm Street property. Since that time, staff has been negotiating the sale of the property that is before the Council for consideration. Additionally, the Barketts have concluded negotiations with the two remaining owners of property that make up the theater site.

#### Agreement Overview

The Agreement that staff recommended covers the basic terms and conditions of a property sale. The purchase price is \$200,000 for the 39,100 square-foot site, which is consistent with various appraisals that have been completed in the downtown recently. A number of contingencies have been placed on the Agreement by the purchasers that are fairly routine for development transactions.

Staff has negotiated for the continued use of the parking lot until ground breaking for the project. Further, we have provided for a series of performance deadlines to ensure the City's ability to re-acquire the property (and the adjacent properties) should the Barketts choose not to proceed.

Speaking on the matter was Anthony Barkett, developer of this project, who reported that the theater project environmental work is wrapping up on the former Newfield parcel. They will soon be starting the design phase and hope to begin the project shortly after the first of the year. The project cost is in the \$6 to \$7 million range.

Following discussion, the City Council, on motion of Council Member Pennino, Mann second, authorized the City Manager to execute the sale agreement with Edward and Anthony Barkett for City property located at 130 West Elm Street by the following vote:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – None

Absent: Council Members – Hitchcock

#### 7. PUBLIC HEARINGS

None.

#### 8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pro Tempore Mann, Pennino second, rejected the following claims by the vote shown below:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – None

Absent: Council Members – Hitchcock

1. Domenic Small, date of loss 10/7/97
2. Bernice Everett, date of loss 6/20/99

- b) City Clerk Reimche read the following ABC Licenses:
  - 1. Jim Murdaca to Pietros of Lodi, 317 East Kettleman Lane, Lodi, On-Sale Beer and Wine, Fiduciary Transfer
  - 2. C R Star, Inc. to Safeway, Inc., 2449 West Kettleman Lane, Lodi, Off-Sale General, Person to Person Transfer and Premise to Premise Transfer
- c) The following report was presented to the City Council:
  - 1. Planning Commission report of September 22, 1999
- d) The City Council, on motion of Mayor Land, Mann second, made the following appointments to the Lodi Arts Commission by the vote shown below:  
Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)  
Noes: Council Members – None  
Absent: Council Members – Hitchcock

**Lodi Arts Commission**

J. Douglas Gerard, D.C.	Term to expire July 1, 2000
Lesley Muscha	Term to expire July 1, 2000

9. **REGULAR CALENDAR**

None.

10. **ORDINANCES**

None.

11. **COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

- a) Jack Casey, 2216 Capell Drive, Lodi, addressed the City Council regarding the recent Northern California Outboard Association (NCOA) races which were held at Lodi Lake. Mr. Casey stated that in recent years they have had a big problem in that they have faced monetary losses every year. He further stated that they would like this to become a family event and that they would like to work with the City, the community, and residents living near the lake to insure that concerns regarding the event are mitigated. Mr. Casey indicated that he felt that the late September date is good. Mr. Casey then addressed moneys that are brought into the community by this event and responded to questions as were posed by members of the City Council. Mr. Casey further indicated that future moneys raised by the NCOA during the Lodi races could possibly be donated for Lodi Lake projects.
- b) Gerald Houtsma, 900 Kramer, Lodi, addressed the City Council regarding his objections to the boat races stating that there is no excuse for the noise and fumes resulting from the races. He concluded his remarks by saying that he does not believe that residents of the area should be treated as second class citizens.
- c) Donna Phillips, 1040 Laurel Drive, Lodi, indicated that she has lived at her current address since 1983 and feels that Lodi Lake Park is being used and visited by an ever increasing number of people. She stated that it is her belief that the Lake has outgrown its capacity for these boat races. Ms. Phillips talked about the unspent fuel residents of the area are forced to breath during this event. She also talked about the campers that stay at the park and the noise that they create. Ms. Phillips concluded her remarks by saying that she feels we are at a usage crossroads at the park, and stated that this is the only park in Lodi that is nature driven. She commented that the City needs now to make the shift at Lodi Lake Park from commercial to one of a nature area.

Council Member Nakanishi stated that he would like to see the economic benefit this event brings to Lodi.

Mayor Pro Tempore Mann stated that there are many types of events that were popular 30 years ago, which are not popular now. It was suggested that perhaps it was time to retire this event.

Council Member Pennino stated that he believes some type of working solution can be achieved regarding this matter.

- d) Bob Johnson, 1311 Midvale Road, Lodi, stated that he is not interested in boat races; however, he feels that the City needs to find a way to accommodate all people and acknowledged that the park is impacted. Mr. Johnson cited the total number of acres in Lodi Lake Park and stated that there are 58 acres of nature area.
- e) Gwin Paden, 614 Palm Avenue, Lodi, stated that the issue of Lodi Lake Park is a lot more than one man's pleasure. She stated that she feels the concern is about its natural assets and the fact that it was given to this community. She commented that she does not think recreation has to involve a lot of people making noise, it also involves quiet pleasures. She further stated that she does not think that cutting down trees and frightening wildlife off is what it is all about either. You can pave anything over, but once you do you will never get it back to what it was.
- f) Mary Ann Porterfield, 800 South Mills Avenue, Lodi, stated that she feels this community needs to look at ways to raise money for Lodi Lake Park.

At the suggestion of Mayor Land, the matter was referred to the Parks and Recreation Commission for their review and recommendation.

- g) Tom Scott, 2639 West Elm Street, Lodi, addressed the Council presenting a petition bearing 23 signatures which stated:

"We, the below homeowners of the 2500 – 2600 block of West Elm Street, in Lodi, are pleading with you to help us with the serious traffic problem the City has created.

People continually speed up and down this block of Elm Street. We have even witnessed them drag racing side by side. We cannot safely get in or out of our driveways because of the vehicles speeding up and down the street. We continually get flagged off or sworn at when trying to get in and out of our driveways.

On September 8, 1999 a resident backing out of their driveway was a victim of road rage by an irate driver who came speeding down the street and was angry because he had to slow down for the resident. The other driver was so irate he rammed the resident's vehicle two times in the rear with his vehicle. He then physically assaulted the resident after the resident stopped his vehicle. The driver then fled the scene but was subsequently located and arrested for Assault With A Deadly Weapon and Battery. Refer to Lodi Police Case number 99-8782.

We have tried to get assistance from the City to no avail. We have spoken with the past Mayor of Lodi, Jack Sieglock, and also with the current Mayor, Keith Land. We were told when the speed limit was set at 35 mph the Police Department would enforce it. I am sure if you look, there have been no citations issued on the block.

This section of Elm Street, between Lower Sacramento Road and Evergreen Drive is only ¼ mile long. It is a Residential District and dead ends into a community park (Peterson Park). There is no reason that the speed limit is set at 35 mph. You can't even walk to

the park without taking your life into your own hands. The people speed to drop off their kids at soccer and baseball practice and speed to pick them up and go home. Commuters coming and going to work, teenagers going to and from school, even delivery trucks speed up and down this street at unforgiving speeds. There is no special time for these events, it is 24 hours a day and 7 days a week.

The Police Department has said, if they were to enforce the speed they would only end up citing the people who live in the area. I guess under that assumption it is okay to speed in your own neighborhood.

We need your help! Please do something before a child or homeowner gets killed or seriously hurt by inconsiderate drivers.

Sincerely,  
The Concerned Homeowners of West Elm Street"

- h) Mike Manser, 2715 West Elm Street, Lodi, stated that he felt the City needed to be proactive on this now. He suggested that the speed be changed on Evergreen Drive and that stop signs be installed at that intersection.
- i) Rich Ozminowski, 2707 West Elm Street, Lodi, also stated that he feels there is a major speed issue in the area. He commented that he was told that there are future plans for a bike lane in the area. He indicated that he would support the installation of the stop signs at Evergreen Drive and the installation of bike lanes as soon as possible.
- j) Don Michelucci, 2519 West Elm Street, Lodi, stated that if islands are put in to slow traffic, he will not be able to get his R.V. out of his parking spot on his property. Mr. Michelucci stated that he feels a lot of people in the area bought their houses there because the size of the lots afforded them the opportunity to park their R.V.'s.

A lengthy discussion followed with questions being directed to staff and to those who had addressed the City Council regarding the matter. The City Manager was directed to have the Police Department concentrate their radar enforcement in that area.

Discussion also included the 85% percentile and the ramifications if speeds are reduced without this factor.

It was suggested that citizens approach their legislators regarding changing the 85% percentile. City Manager Flynn stated that the League of California Cities currently is working on an initiative regarding this subject and that he had submitted a letter of intent to this effect.

City Manager Flynn also stated that the City's Traffic Engineer and the Public Works Director are looking at ways to see how traffic can be slowed down in this area.

It was suggested that this matter, including the installation of stop signs on Evergreen Drive and bike lanes on West Elm Street, be placed on the October 20, 1999 City Council agenda.

## 12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Pennino stated that we are presently ¼ year into the 1999-2000 Budget, and he would like to have a Shirtsleeve Session to go over the projects and goals which had been adopted by the Council in the current budget. Also Council Member Pennino asked for a recap of the status of the current budget.



It was suggested that, because of previously scheduled topics, this item be scheduled for the December 7, 1999 Shirtsleeve Session.

Council Member Pennino stated that he is disappointed in that six months ago, it was agreed that the City would work on a 2 x 2 x 2 Committee regarding the Highway 5 Corridor and indicated the need to move forward as there are a number of major projects on the horizon involving this area.

It was pointed out by Mayor Land that Council Members Hitchcock and Nakanishi had been appointed to represent the City of Lodi on this committee and that the City had been waiting for responses from the County and City of Stockton.

The City Manager indicated that a date for the first 2 x 2 x 2 meeting has tentatively been set for October 25, 1999.

- b) Mayor Land reported that the following letters had been received commending City employees:

- A letter from Diane L. Jarvis and Mr. and Mrs. Donald Michelucci thanking Richard Prima and Public Works employees Paula Fernandez and Curtis Juran for working with them regarding the location of the medians to accommodate their driveway entrances.
- A letter from Brad Nathan commending Parking Enforcement Attendant Andy Smith on an outstanding job.
- A letter from Andy Stephens of AM Stephens Construction Co., Inc. applauding Public Works employees Sharon Welch, Wes Fujitani, Curt Juran, and Paula Fernandez for their great help in expediting the completion of Turner Road.

- c) City Manager Flynn announced that the Finance Department had received an Award of Financial Reporting Achievement from the Government Finance Officers Association of the United States and Canada.

City Manager Flynn also announced that the City of Lodi had just received notification that it had been named to receive an Ahwanee Award of Merit.

City Manager Flynn extended birthday greetings to Council Member Hitchcock who celebrated her birthday on October 3, 1999 and to Mayor Land who will be celebrating his birthday on October 13, 1999.

City Manager Flynn announced that we have just learned that the Federal Earmark Legislation, which includes \$850,000 set-aside for the City of Lodi parking structure, has passed both the House and Senate and has been sent on to the President for signing.

### 13. CLOSED SESSION

Mayor Land adjourned the City Council meeting at approximately 9:10 p.m. to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. *Fireman's Fund Insurance Company v. City of Lodi, et al.*, United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN
- b) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6 ***This matter was not discussed.***
- c) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Dispatchers' Association (LPDA) pursuant to Government Code §54957.6 ***This matter was not discussed.***

*Continued October 6, 1999*

- d) Review ground lease amendment of City property; the negotiating parties are Lodi Boys and Girls Club and the City of Lodi **(Due to a conflict of interest, Mayor Land and Mayor Pro Tempore Mann abstained from discussion and voting on this matter, and therefore, left the meeting.)**

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:05 p.m., and the following actions were disclosed:

In regards to item a), the Council authorized the filing of documents to create a financial corporation, and in regards to item d), no final action was taken in this matter.

15. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 11:05 p.m.

ATTEST:

Alice M. Reimche  
City Clerk